

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: KEURIG GREEN MOUNTAIN SINGLE-SERVE
COFFEE ANTITRUST LITIGATION

CIVIL ACTION NO.: 14 MD 2542 (VSB) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

By Letter-Motion dated February 20, 2020, Defendant Keurig requested Court intervention on the issue of the allocation of deposition time of third-party Deponent Mr. Eric Lauterbach of Peet's Coffee and Tea, Inc. (ECF No. 770). Plaintiff JBR, Inc. submitted a response on February 24, 2020. (ECF No. 782).

Plaintiff JBR, Inc. and Defendant Keurig both noticed the deposition of Mr. Lauterbach for February 27, 2020, and each requested five hours of deposition time. Through counsel, Mr. Lauterbach informed the parties that he would sit for seven hours total of deposition time, in accordance with Rule 30 of the Federal Rules of Civil Procedure. The parties were unable to agree on the division of Mr. Lauterbach's deposition time.

Having carefully considered both positions, the Court **ORDERS** that Plaintiff JBR, Inc. be allotted **four hours** of deposition time, with the remaining **three hours** allocated to Defendant Keurig. The Court notes that Magistrate Judge Pitman previously ordered the same split of deposition time for third-party of Staples, Inc., and finds that the same reasoning applies here.

The Clerk of Court is respectfully directed to close the Letter-Motion at ECF No. 770.

Dated: New York, New York
February 25, 2020

SO ORDERED


SARAH L. CAVE
United States Magistrate Judge